

**Ira S. Sacks**

**From:** Ira S. Sacks  
**Sent:** Thursday, January 31, 2008 9:48 AM  
**To:** 'Chizewer, David'  
**Cc:** Kohn, Richard; Karcazes, Dimitri G.; Stephen H. Locher (stephen.locher@goldbergkohn.com); daniel.shapiro@goldbergkohn.com  
**Subject:** RE: Notice of private Sale  
**Importance:** High

David,

We have been informed that "GBMI" is currently actively selling F/W 07 Diesel Branded shoes. Your November 30, 2007 email indicated that all Diesel branded inventory would be sold off prior to the private sale, which I understand occurred on December 14, 2007. Please let me know if that private sale contained any Diesel branded inventory, and if so, in what amounts.

My best,

Ira

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-----Original Message-----

**From:** Chizewer, David [mailto:David.Chizewer@goldbergkohn.com]  
**Sent:** Friday, November 30, 2007 1:02 PM  
**To:** Ira S. Sacks  
**Cc:** Kohn, Richard; Karcazes, Dimitri G.  
**Subject:** RE: Notice of private Sale

Ira:

Greystone does not expect that the private sale (referenced in your email below) will include any Diesel branded inventory. We believe that all Diesel branded inventory will be sold prior to the sale. If it turns out that we do intend to include the Diesel branded inventory in the private sale, we will give you advance notice of that fact as well as the identity of the purchaser.

If you still believe that Diesel needs to know the identity of the purchaser now, please let us know why and the reasoning behind that request, and we will consider it. Thanks.

David Chizewer | **GOLDBERG KOHN** | 55 East Monroe, Suite 3300, Chicago, Illinois 60603 | direct 312.201.3938 | direct fax 312.863.7438 | [david.chizewer@goldbergkohn.com](mailto:david.chizewer@goldbergkohn.com) | [www.goldbergkohn.com](http://www.goldbergkohn.com)

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**Mark S. Lafayette**

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**From:** Ira S. Sacks  
**Sent:** Wednesday, February 06, 2008 4:11 PM  
**To:** daniel.shapiro@goldbergkohn.com  
**Cc:** Stephen H. Locher (stephen.locher@goldbergkohn.com)  
**Subject:** 101,000 pairs

Dan,

Here is what I need in order to consider (a) what to do about the information you gave me today -- that contrary to (i) the estimates you gave me in early November that 15,000 to 25,000 pair of Diesel shoes would remain in inventory by the time of the preliminary injunction hearing (which was the sole reason we dropped the motion) and (ii) the representation that no Diesel inventory was to be sold in the private sale (which was the sole reason we did not contact Judge Baer to seek to enjoin the private sale), there remain 101,000 pairs of Diesel shoes in inventory (I assume held by Titan) -- and (b) your offer to allow Diesel to buy the inventory at \$20/pair (despite the fact that GBMI never paid for the shoes):

1. I need to know the identity of the buyer (or buyers). I will hold it confidential except on notice to you.
2. I need a week to decide what action to take during which you and Titan agree not to sell the shoes.

I tried to keep the tone civil in the call. I will continue that for now.

My best,

Ira

Ira S. Sacks

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